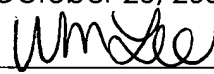


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Patent Docket P1829R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Robert D. Mass  Serial No.: 09/863,101  Filed: May 18, 2001  For: GENE DETECTION ASSAY FOR IMPROVING THE LIKELIHOOD OF AN EFFECTIVE RESPONSE TO AN ERBB ANTAGONIST CANCER THERAPY	Group Art Unit: 1642  Examiner: Laura B. Goddard  Confirmation No: 9233  CUSTOMER NO: 09157  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  October 20, 2006  Wendy M. Lee
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**NOTICE OF APPEAL**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

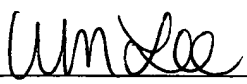
Sir:

Applicant hereby appeals to the Board of Appeals and Interferences from the decision dated Final Office Action, of the Primary Examiner finally rejecting claims 21 and 26-31.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$500 to cover the fees for this appeal and to charge the deposit account for any further fees in regard to this patent application. **A duplicate copy of this Notice is enclosed for this purpose.**

Respectfully submitted,  
GENENTECH, INC.

Date: October 20, 2006

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Telephone No. (650) 225-1994

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